

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY CERBONE, et al.,

Plaintiffs,

v.

ALLIED VAN LINES, INC., et al.,

Defendants.

CIVIL ACTION
NO. 20-6276

ORDER

AND NOW, this 12th day of April 2021, upon consideration of Defendants' Motion to Dismiss (ECF 9), Plaintiffs' Response (ECF 10) and Defendants' Reply (ECF 11), it is hereby **ORDERED** that, for the reasons stated in the Court's Memorandum:

1. Defendants' Motion is **GRANTED** as to Count V of the Amended Complaint and Count V is **DISMISSED with prejudice** because it is preempted by the Carmack Amendment.
2. Defendants' Motion is further **GRANTED** insofar as it seeks to dismiss Plaintiffs' loss of consortium and negligent infliction of emotional distress claims in Counts VI and VII against Simonik Transportation. Counts VI and VII are **DISMISSED with prejudice** as against Simonik Transportation only because they are preempted by the Carmack Amendment.
3. Defendants' Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ *Gerald J. Pappert*
GERALD J. PAPPERT, J.